

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ANTHONY L. LATTIMER,

Plaintiff,

v.

GARY JOHNSON, ET AL.,

Defendants.

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Civil Action No. 3:06-CV-1120-L

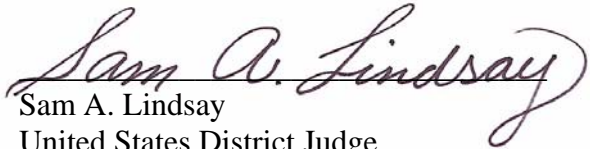
**ORDER**

Plaintiff Anthony L. Lattimer (“Plaintiff” or “Lattimer”), appearing *pro se*, filed a combined civil rights complaint under 42 U.S.C. § 1983 and an application for writ of habeas corpus under 28 U.S.C. § 2254, challenging the results of a recent prison disciplinary hearing. Pursuant to 28 U.S.C. §636(b), and a standing order of the court, this action was referred to the United States magistrate judge for proposed findings and recommendation. On July 5, 2006, the Findings and Recommendation of the United States Magistrate Judge (the “Report”) were filed, to which no objections were filed.

The magistrate judge recommended that Lattimer’s cause of action be dismissed without prejudice for failure to comply with an order issued in *Lattimer v. State of Texas*, No. 7:97-CV-92-X, op. At 4 (N.D. Tex. Apr. 28, 1997), which required him to obtain permission from a federal district judge before filing any civil actions in the Northern District of Texas. The magistrate judge also recommended, since Lattimer did not seek or obtain leave before filing the instant action, that the court sanction Lattimer \$100 and bar him from filing any civil actions in federal district courts until the sanction is paid.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that they are correct and accepts them as those of the court. Accordingly, the court **dismisses without prejudice** Petitioner's action pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a lawful court order. Lattimer is hereby **sanctioned** \$100 and barred from filing any civil actions in federal district court until this sanction is paid. Lattimer must pay this amount to the clerk of court of the Northern District of Texas before he may file any civil actions in federal court. Judgment will issue by separate document.

**It is so ordered** this 31<sup>st</sup> day of July, 2006.

  
Sam A. Lindsay  
United States District Judge